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EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/782,418

Applicant(s)

MORAD, FRED I.

Examiner

Laura C Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "64" has been used to designate both an upper surface (Page 4 Line 27) and a horizontal portion (Page 5 Line 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: PUSH BROOM WHICH IS CONVERTIBLE TO A HANDHELD WHISK BROOM.

### ***Claim Objections***

3. Claims 2, 4, and 7 are objected to because of the following informalities:

Claim 2 recites the limitation "said horizontal lower surface" in Line 6. There is insufficient antecedent basis for this limitation in the claim.

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Claim 4 recites the limitation "the horizontal" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said horizontal lower surface" in Line 6. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-5 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hisey, USPN 5,517,710.

Hisey discloses the claimed invention including a two piece housing having a first section (12) and a second section (14), the first section having a housing portion (18) having means to retain an elongated handle (16; the means are bifurcated portions 28 and 30, Column 3 Lines 49-53), a means to retain a multiplicity of bristles (bristles "20" are coupled, Column 3 Lines 38-41) and a first joining means (friction fit, detents, Column 4 Lines 7-11), a multiplicity of bristles (20) and an elongated handle retained by the housing portion (16, 28, 30), the second section having a housing portion (32)

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having means to retain a handle (Column 4 Lines 41-46), means to retain a multiplicity of bristles (bristles "34" are coupled, Column 3 Lines 61-63), and a second joining means (being detents, friction fit of 22, 24, 36, and 38; Column 4 Lines 1-15), and the first and second sections aligned so that the first joining means is aligned with the second joining means to removably attach the first section to the second section (see Figures 1-4; Column 4 Lines 1-15). A portion of the bristles of the second section are at an angle to the horizontal (see Figure 4). The first section has a housing portion comprising of an upper surface (22), a horizontal lower surface (24), a first sidewall (unlabeled, see Figures 1-3), a second sidewall parallel to the first sidewall (unlabeled, see Figures 1-3 wherein one sidewall would be the left wall in Figure 2 and the other sidewall would be the right wall in Figure 2), a first outer closed end (26) and a parallel interior open end (unlabeled, see Figure 3 where there is an opening of 22 and 24 opposite and parallel to the end 26), at least one open internal chamber extended from the open second end into a portion of the interior of the housing portion (see unlabeled open area between 22 and 24 in Figures 1-3), a first open slot in the first sidewall (unlabeled, portion where opening extends in the planar first sidewall, best shown in Figure 3) and a second open slot in parallel to the second sidewall (unlabeled, portion where opening extends in the planar second sidewall, best shown in Figure 3) that is also in communication with the internal chamber (see Figures 1-3), the first and second slots being parallel and aligned with each other (see Figures 1 and 3). A portion of the bristles of the first section appear to be straight (see Figures 1-3, 6). A handle base is retained on the upper surface of the housing portion of the first section (via 28 and 30,

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see Figures 2-3), the handle base having receiving means to retain the handle of the broom (28, 30). The second section has a housing portion comprising an upper surface (36), a horizontal lower surface (38), a first sidewall (unlabeled, see Figure 4 where one sidewall would be facing "out of the page") and a parallel second sidewall (unlabeled, see Figure 4 where the other sidewall would be facing "into the page" opposite the other sidewall), an interior end (40 having interior portion 44) positioned adjacent the interior end of the housing of the first section (see Figure 1), a mating member supported on the interior end (friction fit or detents, Column 4 Lines 7-11), the mating member having a first and second clip (detents are considered to be defined as "a catch or lever that locks the movement of one part of a mechanism" according to *The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company*) and a clip is defined to be "any of various devices for gripping or holding things together; a clasp or fastener" according to the same source, so therefore the "detents" are the first and second clips), the second housing further comprises grasping means incorporated into the first and second sidewall (see Figure 7; Column 4 Lines 41-46), wherein the mating member on the second section is inserted into at least one chamber on the first section and the clip members are respectively retained in the open slots of the first section (Column 4 Lines 1-15). The second section has a housing portion with at least one stepped section at an angle to the horizontal (unlabeled, see Figures 1 and 4, the portion between 43 and 38 that is at an angle). Hisey also discloses that the second housing has an arcuate handle (see Figures).

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5. Claims 3, 4, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirse, USPN 6,571,416.

Hirse discloses the claimed invention including a two piece housing having a first section (1) and a second section (2), the first section having a housing portion having means to retain an elongated handle (see Figure 2; 8), means to retain a multiplicity of bristles (see Figure 2; 4), and a first joining means (frictional fit locking cam or notch; Column 2 Lines 48-59), a multiplicity of bristles (4), an elongated handle (8), a second section having a housing portion having means to retain a handle (see Figure 3; 9), means to retain a multiplicity of bristles (see Figure 3; 5), and a second joining means (frictional fit locking cam or notch or "10" or "20"; Column 2 Lines 48-59, Column 3 Lines 47-59), the first and second sections aligned so that the joining means is aligned with the second joining means to attach the first and second section (see Figure 4; Column 2 Lines 48-59, Column 3 Lines 47-59), whereby when the means are connected the first and second sections are attached and the broom operates conventionally or may operate when separated (Column 1 Line 49 to Column 2 Line 3). A portion of the bristles on the second section is at an angle to a horizontal (see Figure 3). The second section has a means to grasp the second section (9). The second section also has at least one stepped section on a lower surface of the housing (see Figure 3, portion where bristles are attached are mounted on a stepped portion of a lower surface of the housing).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hisey, USPN 5,517,710.

Hisey discloses all elements above including a lower surface having one stepped section. Hisey however does not include a lower surface having a *multiplicity* of stepped sections.

It would have been obvious for one of ordinary skill in the art to repeat the stepped section in order to have a multiplicity of stepped sections because the Applicant has not disclosed that having a multiplicity of stepped sections provides an advantage, is used for a particular purpose, or solves a stated problem.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hisey, USPN 5,517,710 in view of GB 493,802 (herein '802).

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Hisey discloses all elements above, however doesn't include vertically spaced apart upper and lower internal chambers extending from the interior open end into a portion of the interior of the housing portion, wherein an upper mating member is received in the upper internal chamber and a lower mating member is received in the lower internal chamber.

'802 discloses a sweeping brush that has a first housing (1) and a second housing (2) that are joined by a first section having an upper internal chamber and a lower internal chamber (once ends "20" are driven into the housing; see Figure 7; Page 3 Lines 58-64) an upper mating member (19) and a lower mating member (18), wherein the upper and lower mating member is received in the internal chamber for joining the first and second housings (Page 3 Lines 58-64).

It would have been obvious for one of ordinary skill in the art to modify Hisey by adding upper and lower internal chambers for connection to upper and lower mating members, as '802 teaches, as a means to join a first and second housing of a separable sweeping body.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

FR 2,224,113 displays a broom having first and second sections which are joined by a clip that appears to be structurally similar to the Applicant's clips.

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USPN 3,134,129 to Allen discloses a broom having removable and interchangeable broom head portions, however the second section does not have means to retain a handle or a grasping portion.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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02 February 2005



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